

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

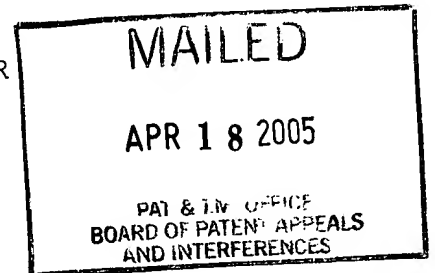
Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREG ALAN KRANAWETTER
and MARK ALAN SCHULTZ

Appeal No. 2005-0298
Application No. 09/319,324



ON BRIEF

Before RUGGIERO, MACDONALD, and NAPPI, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-15, which are all of the claims pending in the present application.

The claimed invention relates to the processing of MPEG encoded signals in which first and second datastreams of interleaved pixel block components are produced. The datastreams of interleaved data are in turn processed to generate decoded image

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information which is selectable for producing either high resolution or reduced data image reproduction of a complete image.

Claim 1 is illustrative of the invention and reads as follows:

1. An MPEG compatible digital signal processing system comprising:

an input network for receiving a data stream of MPEG coded data;

a coupling network responsive to said datastream for deriving therefrom a predetermined sequence of image data; and

an image signal processor responsive to said image data wherein

said coupling network comprises interleaving means responsive to said datastream of MPEG coded data for deriving therefrom at least first and second datastreams, said first datastream being constituted by a first predetermined sequence of interleaved first and second spatially adjacent pixel block components and said second datastream being constituted by a second predetermined sequence of interleaved third and fourth spatially adjacent pixel block components for producing decoded image information selectable for producing either high resolution or reduced data image reproduction of a complete image.

The Examiner relies on the following prior art:

Park	5,675,424	Oct. 07, 1997 (filed Feb. 08, 1995)
Yoon	EP 0688135 A2 (Published European Patent Application)	Dec. 20, 1995

Claims 1-15, all of the pending claims, stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Yoon.

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Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs¹ and Answer for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner and the evidence of obviousness relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as recited in claims 1-15. Accordingly, we reverse.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837

¹ The Appeal Brief was filed March 3, 2004 (Paper No. 17). In response to the Examiner's Answer dated May 20, 2004 (Paper No. 18), a Reply Brief (corrected) was filed June 30, 2004 (Paper No. 19), which was acknowledged and entered by the Examiner as indicated in the communication dated August 9, 2004 (Paper No. 20).

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F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

With respect to the Examiner's 35 U.S.C. § 103(a) rejection of appealed independent claims 1, 7, and 13, Appellants assert that the Examiner has failed to establish a prima facie case of

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obviousness since all of the claimed limitations are not taught or suggested by the applied prior art reference. After reviewing the arguments of record from Appellants and the Examiner, we are in general agreement with Appellants' position as stated in the Briefs.

Initially, our interpretation of the disclosure of the Park reference coincides with that of Appellants (Brief, pages 4-6; Reply Brief, pages 2-6). While we agree with the Examiner that Park indeed separates image data into multiple bit streams, we find no basis for the Examiner's conclusion (Answer, pages 4 and 5) that the purpose of the bit stream dividing and multiplexing circuitry of Park is to make the generated signal suitable for selection between high resolution or low resolution display. Our review of the disclosure of Park reveals, as asserted by Appellants, that the end result of the bit stream dividing and multiplexing operations in Park is the enabling of a lower clock processing speed, not the production of decoded image information which is selectable between high and low resolution reproduction modes, a feature present in each of the appealed independent claims 1, 7, and 13. The Examiner must not only make requisite findings, based on the evidence of record, but must also explain the reasoning by which the findings

are deemed to support the asserted conclusion. See In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002).

We recognize that the Examiner in the responsive arguments portion of the Answer (page 7) directs attention to the Figure 6 low resolution embodiment of Park which, in the Examiner's view, supports the position that Park's disclosed invention can be applied to both low resolution and high resolution modes. It is apparent to us, however, that, as also pointed out by Appellants, the structure illustrated in Figure 6 of Park is a different structural embodiment from that illustrated in Park's Figure 4. As such, while Park indeed discloses separate high resolution and low resolution circuit structures which process multiple bit stream data, there is no disclosure of any particular circuit structure which produces decoded image data which is selectable for producing high resolution or low resolution image reproduction.

We have also reviewed the Yoon reference which has been applied by the Examiner to address the claimed "spatially adjacent pixel block components" feature. We find nothing, however, in the disclosure of Yoon which overcomes the innate deficiencies of Park as discussed supra.

In view of the above discussion, in order for us to sustain the Examiner's rejection, we would need to resort to impermissible

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speculation or unfounded assumptions or rationales to supply deficiencies in the factual basis of the rejection before us.

In re Warner, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967),
cert. denied, 389 U.S. 1057 (1968), rehearing denied, 390 U.S. 1000
(1968).

Accordingly, since all of the claim limitations are not taught or suggested by the applied prior art references, we do not sustain the Examiner's 35 U.S.C. § 103(a) rejection of independent claims 1, 7, and 13, nor of claims 2-6, 8-12, 14, and 15 dependent thereon. Therefore, the decision of the Examiner rejecting claims 1-15 is reversed.

REVERSED



JOSEPH F. RUGGIERO
Administrative Patent Judge



ALLEN R. MACDONALD
Administrative Patent Judge



ROBERT NAPPI
Administrative Patent Judge

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